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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,840	07/29/2003	Thomas Maierholzner	22634	6142

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EXAMINER

JACKSON, ANDRE L

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 04/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,840

Applicant(s)

MAIERHOLZNER, THOMAS

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

4/10

DETAILED ACTION

Claim Objections

Claim 1 is objected to because of the following informalities: In line 14, of claim 1, insert a comma after “support”. Appropriate correction is required.

Drawings

The drawing sheets (1-8) were received with the Amendment on February 2, 2005.

The Examiner accepts these drawings.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 6,375,265 to Hubner et al. Hubner et al discloses an armrest for a vehicle seat comprising;

a support (2a, 2b); a hinge (3, 21) on the support and having at least one hinge arm (7) swingable about a hinge axis on the support; an armrest (1) connected by the hinge with the support and swingable about the axis through a predetermined maximum angular range (12); and a disengaging element (9) on the armrest, normally engaged with the arm and enabling joint rotation of the hinge arm and the armrest, but disengaging the arm (Figs. 3 and 4) upon application of a force to the armrest exceeding a limiting force (11) upon swinging of the armrest

Art Unit: 3677

relative to the support, the armrest being detachable from the hinge when the limiting force is exceeded.

As to claims 2-4, the disengaging element is slidable longitudinally along a guide (16, 18) within a disk end (1a) of the armrest with a compression spring (8) bearing thereon, the armrest disengaging the arm from the limiting force position with a rotational movement. Stops (5, 6) are formed at opposing ends of the angular range path, limiting the displacement of the disengagement element at an incline position shown in Fig. 3 and a decline position shown in Fig. 4.

As to claims 5 and 6, the disengagement element is composed of synthetic plastic, including elastic characteristics (col. 5, lines 20-26).

As to claims 7-11, the armrest further defines a bevel or arcuate protrusion portion at each stop (Fig. 5), which cams against cam faces (9a, 9b) to displace the armrest toward the limiting force position. An aperture or notch (7a) is engaged by the disengagement element (col. 7, lines 21-28) at the free end of the armrest. The support includes a base (2) provided with the arcuate or circular opening in which the free end of the armrest is received between upper and lower walls thereof (Fig. 2). The limiting force position is a notch (11a) opposite a free end of the arm and the arm of the armrest is a projection (10) in form of a roller (25) engaging in the notch.

Response to Applicant's Arguments

Applicant's arguments, filed in the Amendment on February 2, 2005, with respect to the rejection(s) of claim(s) 1-11 over #5,021,922 to Davis et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Art Unit: 3677

However, upon further consideration, a new ground(s) of rejection is made in view of applicant's amendment to the claim(s). Accordingly, #6,375,265 to Hubner et al has been applied to meet the limitations of applicant's claims as currently presented. Thus, claims 1-11 are found to be unpatentable over Hubner et al.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

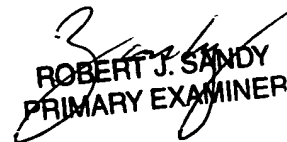
Art Unit: 3677

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
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ALJ


ROBERT J. SANDY
PRIMARY EXAMINER